



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant of: Donoho *et al.*

Serial No.: 09/769,952

Group Art Unit: 1652

Filed: 1/25/2001

Examiner: D. Steadman

For: Polynucleotides Encoding A Human Nitrilase
Polypeptide (As Previously Amended)

Atty Docket No.: LEX-0118-USA

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
Alexandria, VA 22313

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed December 10, 2003 ("Final Action"), finally rejecting claims 1-3 and 5-7. The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$165.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892.

The Notice is timely filed, and Applicants believe no fees in addition to the fees for filing the Notice of Appeal are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to consider this document a petition, and charge any underpayment or credit any overpayment to Applicants' Representatives' Deposit Account No. 50-0892.

Respectfully submitted,

March 10, 2004
Date

David W. Hibler

David W. Hibler
Agent For Applicants

Reg. No. 41,071

Customer # 24231

LEXICON GENETICS INCORPORATED
8800 Technology Forest Place
The Woodlands, TX 77381
(281) 863-3399

03/17/2004 SFLEKE1 00000099 500892 09769952

01 FC-2401 165.00 DA